

**Remarks regarding the Claim Amendments**

Claim 1 has been amended to incorporate the content of Claim 3.

Claim 3 has been canceled in view of the amendment to Claim 1.

Claim 7 has been amended to make clear that the molecular weight specified is of the copolymer and not the gelled acid.

Claim 14 has been cancelled and its contents amended into the body of Claim 15.

Claim 15 has been amended to include the contents of now cancelled Claim 14.

Claim 20 has been withdrawn in view of the restriction requirement. The Applicants hereby affirm the provisional election made on 7/23/03.

### ARGUMENTS

**Claim 1** stands as being rejected under 35 USC §102(b) as being anticipated by U.S. Patent 4,623,363 to Gleason, et al. It is the Examiner's position that Example 4 of the '363 reference teaches a copolymer having the same structure as that of Claim 1 and that the disclosed rheological properties indicate that the polymers of the reference would also be the same as those claimed in Claim 1. At paragraph 14 of the office action, the Examiner indicates that Claim 3 would be allowable if rewritten in independent form. Claim 1 has been amended to incorporate the limitation of Claim 3, that is  $R_2$  in the general formula is now limited to "O." It is respectfully submitted that Claim 1 and all claims dependent therefrom: 2, 4, 5, and 6; are now in condition for allowance.

**Claims 7-13** stand as being rejected under 35 USC §112, second paragraph as being indefinite. The examiner indicates that there is an error in Claim 7 wherein in the claim as filed, a molecular weight range is attributed to a gelled acid rather than to the copolymer used to prepare the gelled acid. The Applicant acknowledges this typographical error. Claim 7 had been amended to correct same and the Applicants respectfully assert that these claims are now in condition for allowance under 35 USC §112.

**Claims 7-10** stand as being rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,514,551 to Furuno, et al. It is the Examiner's position that the reference discloses a gelled acid prepared using a copolymer having both the structure and molecular weight range of the copolymer used to prepare the gelled acid of the present invention. The Applicants respectfully traverse.

The '551 reference teaches the use of phosphite ions as a chain transfer agent. Chain transfer agents are used to moderate chain growth by formation of a new radical that may act as a nucleus for forming a new chain. (Hawley's Condensed Chemical Dictionary 1997). This fact combined

with the fact that no molecular weights are specified in the reference would not render amended Claim 7 as anticipated. The Applicants respectfully assert that Claims 7-10 are now in condition for allowance in view of the '551 reference.

**Claims 7-10** and also Claim 14 stand as rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,652,296. Claim 14 will be addressed separately, but it the Examiner's position that the '296 reference teaches the forming of acidic gels that anticipate the gelled acids of the present invention. But this reference teaches that acid may OR MAYNOT be used, and then only up to 10 mole percent. The present invention is not an acidic gel, but a gelled acid. Furthermore, the polymers of the '296 reference are not gels but rather water-based adhesives. No molecular weight range is specified in the '296 reference and the materials prepared therein are described as adhesives. It is not clear and in fact unlikely that adhesives would have molecular weights in the range of from about 1,000,000 to about 10,000,000 as does the copolymers used to prepare the gelled acids of the present invention. The Applicants respectfully assert that Claims 7-10 are now also in condition for allowance in view of the '296 reference.

**Claim 14** stands rejected as being anticipated by U.S. Patent Nos. 4,558,741; 4,626,363; 4,980,437; and 6,652,296. In the Office Action at paragraph 14, the Examiner indicates that Claim 15 is allowable. Claim 14 has been cancelled and its contents incorporated into Claim 15. The Applicants respectfully assert that since Claim 14 is cancelled, these rejections are now moot.

**Claims 11-13** were not addressed in regard to either 35 USC §102 or §103 in this office action. The Applicants believes that these claims are in condition for allowance, particularly in view of the arguments made in regard to Claim 7.

SUMMARY

The Examiner is requested to withdraw his rejection of the Claims as amended in view of the above arguments. Allowance of Claims 1-2, 4-13, and 15-19; all of the remaining claims, is respectfully requested.

Respectfully submitted,

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